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PATENT
ATTORNEY DOCKET
NO. 7942100-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James Andrew Prentice, III

Application No.: 10/738,422

Filed: December 16, 2003

Title: Method and Apparatus for the
Production of Energy

Group Art Unit: 3746

Examiner:

Certificate of Mailing

)
) I hereby certify that this paper is
) being deposited with the United States
) Postal Service on the date shown below
) with sufficient postage as first class
) mail in an envelope addressed to:
) Mail Stop Petition
) Director of the United States Patent and
) Trademark Office,
) Attention: Commissioner for Patents
) P.O. Box 1450
) Alexandria, VA 22313-1450
)
) December 14, 2004 Robert L. Huster
) Date Registration No. 32,990
) Attorney for Applicants

PETITION TO WITHDRAW
37 C.F.R. §1.36(b), §2.19 and §10.40(c)

Mail Stop Petition
Hon. Director of the United States Patent and Trademark Office
Attention: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition under 37 C.F.R. §1.36(b), §2.19 and §10.40(c) by the registered attorneys and law firm described herein ("petitioners") for permission to withdraw as attorneys of record in connection with the prosecution of the above-identified patent application ("the application"), and all other proceedings regarding the application, before the U.S. Patent and Trademark Office ("Patent Office").

For the reasons that are set forth herein, it is hereby respectfully requested under 37 C.F.R. §1.36(b), §2.19 and §10.40(c) that the attorneys that are listed below, all of whom are of record in the application, and are employees of the law firm Lord, Bissell & Brook LLP (“the law firm”), and the law firm, be provided with an approval by the Director of the United States Patent and Trademark Office (“Director”) to withdraw completely from any representation of any inventor, assignee or other person or entity in connection with the application.

<u>Attorney</u>	<u>Registration Number</u>
Roberta L. Hastreiter	32,990
Scott B. Feder	33,129
Keith D. Parr	33,322
Paul J. Molino	45,350
James H. Wynn	45,545

In accordance with 37 C.F.R. §10.40(c)(1)(vi), the petitioners’ client, Drew Prentice (“the client”), who is named as the sole inventor in the application, has failed to pay any of the fees for services rendered by the law firm for an unreasonable period of time. Currently, the client owes the law firm an unpaid balance of fees and disbursements in the amount of approximately \$178,981.15 for legal services rendered by the law firm, which commenced prior to December of 2002 (i.e., more than two years ago). This unpaid balance of fees and disbursements has been outstanding since about March 12, 2004.

In accordance with 37 C.F.R. §10.40(a), the law firm has taken reasonable steps to avoid foreseeable prejudice to the rights of the client.

First, no reply is currently due or otherwise outstanding for any office action(s) or other communication(s) received from the Patent Office for the application, which was filed with the Patent Office on December 16, 2003.

Second, the law firm has made several attempts over the past six week period to procure at least a partial payment by the client for services rendered by the law firm in connection with the application.

Two different letters were sent to the client requesting payment for services rendered by the law firm, and informing the client about procedures for the filing of a related international patent application under the Patent Cooperation Treaty.

In the first letter, which was dated October 21, 2004, the client was advised that the unpaid balance of fees and disbursements was \$178,981.15, and had been outstanding since March 12, 2004, and that the law firm could not continue to work on this project without being paid. The client was also informed that, in order to have priority rights stemming from the filing date of the application under the Paris Convention for the Protection of Industrial Property ("Paris Convention"), the deadline for foreign filing the application would be December 16, 2004. Additionally, a proposal was made to the client in the form of a supplemental agreement to proceed with the foreign filing of the application under conditions specified in the letter upon the payment of a retainer designed to cover costs related to the current work only, without first requiring payment of the outstanding balance. Finally, the client was informed that, if the proposal was not found to be acceptable to the client, or if the client believed that the payments could not be made, the law firm would have to take immediate steps to withdraw from representation in this matter before the Patent Office.

In the second letter, which was dated December 5, 2004, the client was advised of an inability of the law firm to continue to represent the client in this matter as a result of an unpaid balance of fees to the law firm. The client was also informed that the deadline for filing an international application that would obtain a priority benefit of the original filing date of the application under the Paris Convention would be December 16, 2004. This letter described the Paris Convention, and priority rights obtainable thereunder, in detail, as well as the potential consequences of a failure to file. Additionally, this letter informed the client that patent applications filed with the Patent Office will generally be published after eighteen (18) months from the filing date, and the letter discussed potential consequences of that publication. Finally, the letter stated that the law firm would now proceed to notify the Patent Office of its request for withdrawal of representation in this matter.

The client has not responded to either of the above-described letters. Further, since the first of the foregoing letters was mailed to the client on October 21, 2004,

several telephone calls have been made to the client regarding this matter, using both the client's home and cell telephone numbers, by attorneys employed by the law firm that have been involved with the application during the past two years (David Leonard and Roberta Hastreiter). In all instances, no one answered these telephone calls, detailed voice mail messages were left for the client, and the client was requested to return these telephone calls. To date, neither of these attorneys (or any other attorneys employed by the law firm) has received a return telephone call from the client.

The letters and telephone calls described above clearly document the unsuccessful attempts by the petitions to reasonably resolve this matter within a reasonable period of time.

The petitioners respectfully request that this petition be granted as soon as possible. The Commissioner is hereby authorized to charge any fees that may be required in connection with this petition to Deposit Account No. 122144.

Respectfully submitted,

LORD, BISSELL & BROOK LLP

By: Roberta L. Hastreiter

Roberta L. Hastreiter

Registration No. 32,990

December 14, 2004

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